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8

9 **BEFORE THE**  
10 **BOARD OF REGISTERED NURSING**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 CINDY KAREN SURMANN,  
a.k.a. CINDY K. SURMANN  
14 1061 Kenmore Way  
Snellville, GA 30078

15 Registered Nurse License No. 484361

16 Respondent.  
17

Case No. 2007-319

**ORDER ON DEFAULT DECISION**

[Gov. Code §11520]

18 IT IS SO ORDERED that Registered Nurse License Number 484361, heretofore  
19 issued to Respondent Cindy Karen Surmann, also known as Cindy K. Surmann, is revoked.  
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21 Pursuant to Government Code section 11520, subdivision (c), Respondent may  
22 serve a written motion requesting that the Decision be vacated and stating the grounds relied on  
23 within seven (7) days after service of the Decision on Respondent. The agency in its discretion  
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1 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the  
2 statute.

3 This Decision shall become effective on November 10, 2007

4 It is so ORDERED October 10, 2007

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6 *LaTramone W Tate*

7 FOR THE BOARD OF REGISTERED NURSING  
8 DEPARTMENT OF CONSUMER AFFAIRS  
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1 EDMUND G. BROWN JR., Attorney General  
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9 **BEFORE THE**  
10 **BOARD OF REGISTERED NURSING**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
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12 In the Matter of the Accusation Against:

Case No. 2007-319

13 CINDY KAREN SURMANN,  
a.k.a. CINDY K. SURMANN  
14 1061 Kenmore Way  
Snellville, GA 30078

**DEFAULT DECISION**

[Gov. Code §11520]

15 Registered Nurse License No. 484361

16 Respondent.  
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18 **FINDINGS OF FACT**

19 1. On or about June 27, 2007, Complainant Ruth Ann Terry, M.P.H., R.N., in  
20 her official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
21 Consumer Affairs, filed Accusation No. 2007-319 against Cindy Karen Surmann, also known as  
22 Cindy K. Surmann ("Respondent"), before the Board of Registered Nursing.

23 2. On or about August 31, 1992, the Board of Registered Nursing ("Board")  
24 issued Registered Nurse License Number 484361 to Respondent. Respondent's registered nurse  
25 license expired on May 31, 2004.

26 3. On or about July 10, 2007, Carol Sekara, an employee of the Office of the  
27 Attorney General, served by Certified and First Class Mail a copy of the Accusation No.  
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1 2007-319, Statement to Respondent, Notice of Defense, Request for Discovery, and Government  
2 Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board,  
3 which was and is 1061 Kenmore Way, Snellville, GA 30078. A copy of the Accusation and the  
4 related documents are attached as exhibit A and are incorporated herein by reference.

5 4. Service of the Accusation was effective as a matter of law under the  
6 provisions of Government Code section 11505, subdivision (c).

7 5. Business and Professions Code section 118 states, in pertinent part:

8 (b) The suspension, expiration, or forfeiture by operation of law of a  
9 license issued by a board in the department, or its suspension, forfeiture, or  
10 cancellation by order of the board or by order of a court of law, or its surrender  
11 without the written consent of the board, shall not, during any period in which it  
12 may be renewed, restored, reissued, or reinstated, deprive the board of its  
authority to institute or continue a disciplinary proceeding against the licensee  
upon any ground provided by law or to enter an order suspending or revoking the  
license or otherwise taking disciplinary action against the license on any such  
ground.

13 6. Government Code section 11506 states, in pertinent part:

14 (c) The respondent shall be entitled to a hearing on the merits if the  
15 respondent files a notice of defense, and the notice shall be deemed a specific  
16 denial of all parts of the accusation not expressly admitted. Failure to file a notice  
of defense shall constitute a waiver of respondent's right to a hearing, but the  
agency in its discretion may nevertheless grant a hearing.

17 7. Respondent failed to file a Notice of Defense within 15 days after service  
18 upon her of the Accusation, and therefore waived her right to a hearing on the merits of  
19 Accusation No. 2007-319.

20 8. California Government Code section 11520 states, in pertinent part:

21 (a) If the respondent either fails to file a notice of defense or to appear at  
22 the hearing, the agency may take action based upon the respondent's express  
23 admissions or upon other evidence and affidavits may be used as evidence without  
any notice to respondent.

24 9. Pursuant to its authority under Government Code section 11520, the Board  
25 finds ~~Respondent is in default.~~ The Board will take action without further hearing and, based on  
26 Respondent's express admissions by way of default and the evidence before it, contained in  
27 exhibit A, finds that the allegations in Accusation No. 2007-319 are true.

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1                   10.     The total costs for investigation and enforcement are \$331.50 as of August  
2 2, 2007.

3                                   **DETERMINATION OF ISSUES**

4                   1.     Based on the foregoing findings of fact, Respondent Cindy Karen  
5 Surmann, also known as Cindy K. Surmann, has subjected her Registered Nurse License Number  
6 484361 to discipline.

7                   2.     A copy of the Accusation and the related documents are attached.

8                   3.     The agency has jurisdiction to adjudicate this case by default.

9                   4.     The Board of Registered Nursing is authorized to revoke Respondent's  
10 Registered Nurse License based upon the following violation alleged in the Accusation:  
11 Business and Professions Code section 2761, subdivision (a)(4) (disciplinary action by the North  
12 Carolina Board of Nursing).

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25                   Attachments:

26                   Exhibit A: Accusation No. 2007-319 and Related Documents

27                   DOJ docket number: 03579110-SA2006102809

28                   Surmann, Cindy Karen.def.wpd

Exhibit A

Accusation No. 2007-319 and Related Documents

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
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12 In the Matter of the Accusation Against:

Case No. 2007-319

13 CINDY KAREN SURMANN,  
a.k.a. CINDY K. SURMANN  
14 1061 Kenmore Way  
Snellville, GA 30078

**A C C U S A T I O N**

15 Registered Nurse License No. 484361

16 Respondent.  
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18 Complainant alleges:  
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20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation  
22 solely in her official capacity as the Executive Officer of the Board of Registered Nursing  
23 ("Board"), Department of Consumer Affairs.

24 2. On or about August 31, 1992, the Board issued Registered Nurse License  
25 Number 484361 to Cindy Karen Surmann, also known as Cindy K. Surmann ("Respondent").  
26 Respondent's registered nurse license expired on May 31, 2004.

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1 **CAUSE FOR DISCIPLINE**

2 **(Disciplinary Action by the North Carolina State Board of Nursing)**

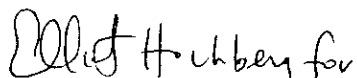
3 7. Respondent is subject to disciplinary action pursuant to Code section  
4 2761, subdivision (a)(4), on the grounds of unprofessional conduct. On or about June 19, 2006,  
5 Respondent voluntarily surrendered her North Carolina Registered Nurse License Number  
6 205912 to the North Carolina Board of Nursing ("North Carolina Board") for an indefinite period  
7 of time. A true and correct copy of the North Carolina Board's June 19, 2006, letter to  
8 Respondent acknowledging her voluntary surrender is attached as exhibit "A" and incorporated  
9 herein by reference.

10 **PRAYER**

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
12 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 13 1. Revoking or suspending Registered Nurse License Number 484361, issued  
14 to Cindy Karen Surmann, also known as Cindy K. Surmann;  
15 2. Ordering Cindy Karen Surmann, also known as Cindy K. Surmann, to pay  
16 the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this  
17 case, pursuant to Business and Professions Code section 125.3; and  
18 3. Taking such other and further action as deemed necessary and proper.  
19

20 DATED: 6/27/2007

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23 RUTH ANN TERRY, M.P.H., R.N.  
24 Executive Officer  
25 Board of Registered Nursing  
26 Department of Consumer Affairs  
27 State of California  
28 Complainant

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**EXHIBIT A**

**North Carolina Board of Nursing's June 19, 2006 Letter**

Beverly B. Foster, PhD, RN  
Chair  
Janice G. Floyd, MSN, RN  
Vice-Chair  
Mary P. Johnson, RN, MSN, FAAN  
Executive Director

# NC BOARD OF NURSING

P.O. Box 2129  
Raleigh, North Carolina 27602  
919.782.3211  
FAX 919.781.9461  
Nurse Aide II Registry 919.782.7400  
www.ncbon.com

June 19, 2006

Ms. Cindy K. Surmann  
1061 Kenmore Way  
Snellville, Georgia 30078

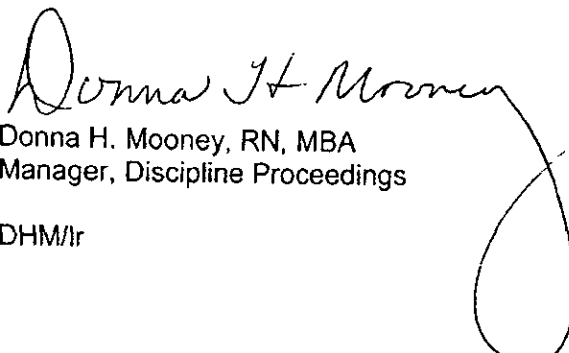
Dear Ms. Surmann:

Your letter, along with your wallet sized license, was received in the office of the North Carolina Board of Nursing on June 8, 2006.

It is noted you surrendered your license for an indefinite period of time. You are reminded that you are not to practice nursing during the time your license is held by the Board.

Enclosed is a document listing requirements for reinstatement that may assist you in preparing to have your license reinstated.

Sincerely,



Donna H. Mooney, RN, MBA  
Manager, Discipline Proceedings

DHM/lr

MAILED  
JUN 21 2006  
JUN 21 2006

**Cindy K. Surmann, Registered Nurse Cert# 205912 (Snellville, Ga.)**

Ms. Surmann was employed at the Brunswick Community Hospital in Supply, NC at the time of the incident that ultimately led to the voluntary surrender of her license. This matter began when there was a report given to a night Supervisor that they smelled alcohol on her breath.

The hospital was in the process of going through a management change and the report was delayed in coming to the Board of Nursing. However, after it was discovered the report had not been sent, we received a report indicating that Ms. Surmann reported for work on or about April 22, 2006 during the 7p to 7a shift with the odor of alcohol on her breath. She apparently told one of the nurses who questioned her about that, she had a "couple of beers" before coming to work. A blood alcohol level was drawn and the results later revealed a .095. Although there was no documentation from anyone that she presented in an impaired state, the .095 is above the legal limit for impairment in North Carolina.

On May 25, 2006, Ms. Surmann was interviewed in the Board office and she admitted that as the result of the positive drug screen, that she was given a mandatory EAP referral. She had an evaluation at the Wilmington Treatment Center and states she was not given a diagnosis of chemical dependency. However, it was recommended that she attend 6 educational classes, one day per week regarding her substance misuse.

She admitted to the Investigator that she had trouble sleeping the day she consumed alcohol prior to going to work, and due to the stresses she was experiencing at work, and some personal stressors, she made a vodka and cranberry juice and then continued to drink throughout the day. She said she fell asleep sometime between 2 and 2:30 p.m. and when she awoke at approximately 5 p.m.; she got up but did not feel impaired. When she was specifically asked how much she had to drink, she stated she was not sure, but it was "obviously too much". When she was asked if she told someone at the hospital she'd had some beers before coming to work, she stated she may have said she drank beer because she didn't want to say vodka. She stated when she woke up, she felt tired, but she did not feel impaired. She added, after learning of the results of her blood alcohol test, she was impaired "obviously".

Ms. Surmann stated she is attending AA meetings approximately 2 times per week because this too was recommended by the EAP. She stated she has learned quite a bit and plans to continue to attend the meetings. When she was specifically asked if she thought she had a chemical dependency problem, her first response was, she felt she was heading that way or maybe she was in denial. There had also been an allegation about Marijuana use but she denied smoking Marijuana.

All of her options were explained to her and there was an extensive conversation between the Investigator and the individuals in the drug monitoring program. However, after much discussion, it was felt she was not eligible for the Alternative Program. She was asked to contact South Carolina about admittance there.

On June 6, 2006, Ms. Surmann had contacted the Board again through the Investigator and determined she was going to voluntarily surrender her license for an indefinite period of time. This is the first discipline action that has been taken against this

licensee. She is a 1992 graduate of the Sinclair Community College in California. She endorsed into NC in November 2005.